

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC
(PETRO),

Plaintiff,

v.

ISLAND PROJECT AND OPERATING
SERVICES, LLC, VITOL US HOLDING II
CO., VITOL VIRGIN ISLANDS CORP,
ANDREW CANNING, OPTIS EUROPE,
LTD., VTTI, and VITOL, INC.,

Defendants.

CASE NO. 1:21-CV-00312

BREACH OF CONTRACT

JURY TRIAL DEMANDED

**MOTION TO SHOW CAUSE WHY NON-PARTY SAINTNALS, LLC SHOULD NOT BE
HELD IN CONTEMPT OF COURT FOR FAILURE TO PRODUCE DOCUMENTS
PURSUANT TO SUBPOENA DUCES TECUM**

COMES NOW, Plaintiff, by and through the undersigned counsel and moves this Court to issue an order to show cause why Nonresponding entity Saintnals, LLC should not be held in contempt of court for not responding to a Subpoena Duces Tecum as follows:

On June 14, 2023, Saintnals, LLC was served with a Subpoena Duces Tecum requiring it to produce certain documents at the office of Lee J. Rohn and Associates on June 26, 2023. The use of the 26th was a scrivener's error as the instructions were to have the documents produced at the close of discovery.

1. The Affidavit of Process Server Deirdre Hodge Finch (**Exhibit 1**) confirms that Ronald Rodney of Rodney and Associates, Counsel for Saintnals, LLC was personally served with the subpoena on June 14, 2023, at 1138 King St Ste. 104,

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Christiansted, St Croix.

2. The Subpoena (**Exhibit 2**) required Saintnals to produce the following documents by June 26, 2023, at 5:00 a.m.

- Documents evidencing funds paid by you or received by you, for maintenance, special projects, and equipment rentals at the St. Croix or St. Thomas WAPA Propane Terminals from September 2022 to the present.
- Documents evidencing the formation of Saintnals, LLC, who its members or shareholders are, and who are its officers or directors since its formation to the present.
- Documents evidencing any relationship between Saintnals, LLC, and any VITOL entities in the past five (5) years.
- Any bids or documents related to how Saintnals, LLC came to be allowed to manage the WAPA St. Thomas and St. Croix Propane Terminals, or Propane Facilities, to include, but not be limited to, any contracts.
- Any maintenance, equipment rental, or project contract that Saintnals, LLC has entered into since it took over the propane terminals at WAPA facilities.

See (**Exhibit 3**), Notice of Subpoena Duces Tecum.

On June 26, 2023, Saintnals, LLC objected to producing the documents subpoenaed by Plaintiff. (**Exhibit 4**). As such a meet and confer was held on June 27, 2023. (**Exhibit 5**) Counsel for Saintnals, LLC declined to produce the documents stating that the documents can be obtained from Defendant VITOL Virgin Island Corporation. An informal conference

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was held with Magistrate Judge Henderson on July 11, 2023. Saintnals, LLC has failed to produce the subpoenaed documents.

While Saintnals, LLC claims the documents should be produced by the VITOL Defendants in this matter, those VITOL Defendants refused to produce those documents originally falsely claiming they were irrelevant. However, on June 23, 2023, those same VITOL Defendants supplemented its Rule 26 disclosures admitting that Saintnals has relevant information as to the issue of damages (**Exhibit No. 6**). Nevertheless, the VITOL Defendants continue to refuse to supplement their responses to discovery to produce the documents.

The mere fact that a Defendant has been asked for documents in a case but has refused to produce them does not excuse a third party from having to obey a Subpoena duces tecum. “Under Rule 45, in order to establish an adequate excuse for disobeying a subpoena duces tecum, a subpoenaed party must show some *meaningful* effort to comply with a subpoena.” See *Vilatis v. Sun Constructors, Inc.*, Civil Action No. 2005-0101, 2020 WL 4912298, at *17 (D.V.I. Aug. 20, 2020) (slip copy) *citing* *U.S. v. Bryan*, 339 U.S. 323, 332 (1950) (inability to comply with a subpoena “must fail in the absence of even a modicum of good faith in responding to the subpoena).

Accordingly, Plaintiffs request that the Court issue an Order ordering Saintnals, LLC to show cause why it should not be held in contempt for its refusal to comply with the Plaintiff’s subpoena and requiring Saintnals to promptly produce the subpoenaed documents.

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WHEREFORE, Plaintiff requests this Court to issue an order to show cause why Saintnals, LLC should not be held in contempt of Court for failure to produce the documents pursuant to the Subpoena Duces Tecum.

RESPECTFULLY SUBMITTED

LEE J. ROHN AND ASSOCIATES, LLC
Attorneys for Plaintiff

DATED: July 25, 2023

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on July 25, 2023, I electronically filed the foregoing with the Clerk of the Court using the electronic filing system, which will send a notification of such filing to the following:

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